

AMENDED IN SENATE MAY 2, 2006
AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1735

Introduced by Senator Cox

February 24, 2006

An act to add Section 2800.4 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1735, as amended, Cox. Vehicles: police pursuits.

(1) Existing law makes it a misdemeanor for a person operating a motor vehicle to willfully flee or otherwise attempt to elude a pursuing peace officer's motor vehicle under certain conditions. If the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property, or where that unlawful act proximately causes death or serious bodily injury, the offense is punishable as a misdemeanor or a felony, as specified.

This bill would make it a *misdemeanor or* felony if a person willfully flees or attempts to elude a pursuing peace officer and the person operating the pursued vehicle willfully drives that vehicle on a highway in a direction opposite to that in which the traffic lawfully moves upon that highway. By creating a new crime this bill would impose a state-mandated ~~and~~ *local* program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2800.4 is added to the Vehicle Code, to
2 read:
3 2800.4. Whenever a person willfully flees or attempts to
4 elude a pursuing peace officer in violation of Section 2800.1, and
5 the person operating the pursued vehicle willfully drives that
6 vehicle on a highway in a direction opposite to that in which the
7 traffic lawfully moves upon that highway, the person upon
8 conviction is ~~punishable by imprisoned in the state prison for a~~
9 ~~term of 4, 6, or 10 years~~ *punishable by imprisonment for not*
10 *more than one year in a county jail or by imprisonment in the*
11 *state prison, or by a fine of not less more than two thousand*
12 *dollars (\$2,000) nor more than ten thousand dollars (\$10,000), or*
13 *by (\$2,000), or by both that fine and imprisonment.*
14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.